

1 UNITED STATES COURT OF APPEALS
2 FOR THE SECOND CIRCUIT
3

4 SUMMARY ORDER
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6 THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL
7 REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS
8 OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS
9 OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A
10 RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL
11 OR RES JUDICATA.
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13 At a stated term of the United States Court of Appeals for the Second Circuit, held at the
14 Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 27th
15 day of September, two thousand and four.
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17 PRESENT:

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19 HON. GUIDO CALABRESI,
20 HON. ROBERT D. SACK,
21 HON. REENA RAGGI,
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23 *Circuit Judges.*
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27 DONNA FAYE WILSON,
28

29 *Plaintiff-Appellant,*
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31 v.

No. 03-9280

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33 OFFICE OF THE ATTORNEY GENERAL OF NY and CITY OF SYRACUSE, in care of:
34 Mayor Matthew Driscoll at City Hall (offices and subdivisions specified and named in the
35 claim), ST. JOSEPH'S HOSPITAL HEALTH CENTER, a Syracuse City Public Hospital (in care
36 of Hospital Administration),
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38 *Defendants.*
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44 For Plaintiff-Appellant:

DONNA FAYE WILSON, *pro se*, Syracuse, NY.
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1 For Defendant
2 Office of the Attorney General
3 of New York:

WAYNE L. BENJAMIN, Deputy Solicitor General,
for Eliot Spitzer, Attorney General of the State of
New York, Albany, NY.

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7 For Defendant
8 City of Syracuse:

CATHERINE E. CARNIKE, Assistant Corporation
Counsel, for Terri Bright, Corporation Counsel of
Syracuse, (John G. Stone, Senior Assistant
Corporation Counsel, *of counsel*), Syracuse, NY.

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12 For Defendant
13 St. Joseph's Hospital Health Center:

SAMUEL C. YOUNG, Costello, Cooney & Fearon,
PLLC, Syracuse, NY.

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16 Appeal from the United States District Court for the Northern District of New York
17 (Scullin, C.J.).

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21 **UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND**
22 **DECREEED that the judgment of the district court be and it hereby is AFFIRMED.**
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26 Plaintiff-Appellant Donna Faye Wilson brought suit alleging a host of civil rights
27 violations. The district court (Scullin, C.J.) dismissed Wilson's complaint with prejudice for
28 failure to state a claim under 28 U.S.C. § 1915(e)(2)(B).

29 Although dismissals with prejudice under 28 U.S.C. § 1915 are disfavored, there are
30 some unusual circumstances where they are appropriate. This case, for the reasons given by the
31 district court, represents one such instance. We have considered all of Plaintiff's claims and find
32 them to be without merit. The district court's judgment is therefore AFFIRMED.

33 For the Court,
34 ROSEANN B. MACKECHNIE,
35 Clerk of Court

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37 by: _____
38 Oliva M. George, Deputy Clerk